



MUNICIPAL COURT Judges Bulletin

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MARK YOUR CALENDAR

2006 Legislative Breakfast/Annual Business Meeting

February 23, 2006

**Sloppy Floyd
Building • Atlanta**

President's Corner

John K. Edwards, Jr.
City of Valdosta

December ended a busy year for our Council with the final meeting of the Strategic Planning Committee on Courts Automation for Municipal Courts December 13th through the 16th at Callaway Gardens. Once again, George Nolan of the Georgia Courts Automation Commission (GCAC) and their independent IT facilitators from the North Highland Group helped the judges, court clerks and administrators in attendance continue their formulation of technology plans to simplify and unify the information flow among Georgia courts. The participants to this final stage brought a deep knowledge of the technology needs for the various types of Municipal Courts throughout the State. In addition, they maintained a strong focus on one of their principal concerns: that technology is affordable and available to even the smallest municipal courts while meeting the needs of larger courts as well. Special thanks to those in attendance who did another fantastic job: Judge Kathryn Gerhardt, Judge Clay Davis, Judge Michael P. Cielinski, Clerk Karen Fricke, Clerk Beverly Evans, Clerk Essie West, Clerk Cindy Norwood, and Court Administrator Cindy Walker. New participants to this session were Judge Tammy Stokes from Savannah and Judge David Strickland from Covington.

Judge Michael P. Cielinski, President-Elect and I attended the December 7th meeting of the Judicial Council in Atlanta. Of specific importance to our Council was the Judicial Council's approval of the ICJE Municipal Courts Training Council Curricula for 2006. In addition, the Judicial Council voted to approve and adopt the Recommendation of the Judicial Council's Court Fee Committee (printed elsewhere in this newsletter) and forward it to the Legislature. This may prove a positive first step in trying to rectify some of the difficulties that presently exist in court fee remittance and reporting.

By now, you should have all received your notice of our annual Legislative Breakfast on Thursday, February 23, 2006, from 7:30 a.m. to 9:30 a.m. in the Floyd Room, 20th Floor, West Tower of the James H. "Sloppy" Floyd Building, 1 Martin Luther King, Jr. Drive in Atlanta. We need a strong showing at this breakfast so I urge all Executive Committee officers, District representatives and our membership at large to please make plans to attend! Our next meeting of the Executive Committee of the Council of Municipal Court Judges will be held following the Legislative Breakfast.

I hope that any of you with questions, suggestions or concerns will contact me at (229) 293-3171 or jedwards@valdostacity.com.

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Minutes of the Fall Meeting

The fall meeting of the Executive Committee of the Georgia Council of Municipal Court Judges was held on October 21, 2005, at the Administrative Office of the Courts (AOC) in Macon, Georgia. Judge John Edwards called the meeting to order at 1:15 p.m.

The first order of business was the consideration of the minutes of the Executive Committee meeting held in Savannah on June 22, 2005. Upon motion duly made and seconded, the minutes were approved as submitted.

Judge Edwards then introduced guests in attendance at the meeting: Richard Reaves, Executive Director of the Institute of Continuing Judicial Education (ICJE), Kathy Mitchem, Conference Facilitator of the Institute of Continuing Judicial Education, George Nolan, Executive Director of the Georgia Courts Automation Commission, and John Pattan, Clerk of the Municipal Court of Macon. Mr. Nolan and Mr. Pattan were there to address the Council and Judge Edwards called upon them to do so at that time.

Mr. Nolan reported on the progress made towards the development of a strategic plan for automation in the Courts. A data definition session had been held in October at Callaway Gardens, the Municipal Judges were the first to hold such session. It was attended by members of the Strategic Planning Committee consisting of municipal court judges and clerks. Mr. Nolan noted the participants did an excellent job during the data definition session. The purpose of this session had been to tap the collective knowledge of those running the courts in order to clearly define the data elements required for proficient operations. Mr. Nolan presented a 37-page document drafted by the North Highland Group detailing

the movement of information (cases/warrants) through municipal court from beginning to end. He will distribute the draft to meeting participants for review and feedback before it is published in final form. The next step in the process will be a strategic planning session to be held December 13-16 at Callaway Gardens, during which the information gathered will be used to formulate the strategic plan.

Judge Edwards noted only four judges had attended the data definition session: Judge Edwards, Judge Cielinski, Judge Davis, and Judge Gerhardt. He thanked those judges for their attendance but expressed a need for more judge participation and asked for volunteers.

Mr. Pattan reported on the meeting of the municipal court clerks held to discuss the formation of an organization for their court clerks. Its main purpose would be to upgrade the professional standards and assist in certification (training) of clerks so that they would be better qualified to assist judges in doing their jobs. Mr. Pattan noted the attempt to organize is a work in progress and that another session will be held at the annual clerks' training in Athens at the end of October. Judge Edwards noted a working draft of the bylaws for the proposed organization was included in the agenda for review and feedback. David Ratley, Director of the AOC gave his perspective on the efforts of the municipal court clerks. He attended their meeting and came away thinking it is their intention to collaborate with the Council of Municipal Court Judges, the Institute of Continuing Judicial Education, and the Georgia Municipal Association. He concurred; the idea is to support the judges, to provide better services to the constituents and to be better equipped to do so.

Judge Edwards thanked Mr. Pattan for his report and asked if he would attend the follow-up meeting. Mr. Pattan indicated he would not be able to attend because funds were not budgeted by the City of Macon for this purpose. It was proposed that the Council pay Mr. Pattan's expenses to attend this meeting so that he could report back to the Council. A motion authorizing this expenditure was unanimously approved.

Judge Edwards then asked for the financial reports. Mr. Chris Patterson of the AOC reported that as of September 30, 2005, \$1,051.31 of the state appropriated funds for the current fiscal year had been spent, leaving a balance available of \$18,482.69. With respect to private funds held by the Council, Judge Ward reported that as of August 29, 2005, \$49,936.03 in funds were on deposit in the private funds account.

Judge Edwards dispensed with the president's report as did Chris Patterson with the report from the AOC. Debra Nesbit, Assistant Director for Legislative and Governmental Affairs, AOC, took the opportunity to talk about pending legislation. Ms. Nesbit pointed out that at the current time there is a lot of focus on court fees particularly in connection with proposals to decriminalize traffic fines. There is concern about the effect of decriminalization on the collection of fines. A Criminal Subcommittee that is chaired by Representative David Ralston has been created to look into infractions/decriminalization. She also noted the State Auditors are conducting a study on court fees. Next Ms. Nesbit informed the members SB203, which started out as a Probate clean-up bill to define civil actions, is still out there although it was tabled. It has had language tacked on that war-

continued on page 4

Minutes continued

rants the municipal judges keep an eye on it.

Next Judge Edwards called for committee reports and the following reports were given:

(1) Benchbook - Rich Reaves of the Institute for Continuing Judicial Education reported on behalf of Judge Ashman, the Benchbook had been updated since the last legislative session and is ready to go to the printer. Consideration is being given to making the Benchbook available on CD Rom as well as in print form.

(2) Legislative - Judge Barrett reported that the pretrial diversion bill, which did not pass last year, will come up automatically next year. Ms. Nesbit noted that some changes may need to be made to the language as it applies to municipal courts. With appropriate modifications, the legislation should pass in the next session. Judge Cielinski then expressed concerns about possible legislation dealing with the formation of a municipal court clerks association. It was initially proposed as a way to get training for clerks through ICJE and the Georgia Municipal Association but developed into a proposal for the clerks to create their own organization. After discussion, the consensus was that a certification process for municipal clerks is needed and that the Council needs to work with the clerks to accomplish their common goals. In final, Judge Edwards distributed copies of HB719 which will increase fine and forfeiture, and HB730 which will set maximum sentences of six months for violations of municipal ordinances, for review. He reported there is a possibility these may be reintroduced.

(3) Uniform Rules - Judge Edwards reported that no progress has been made since the last meeting. Proposed rules were drafted by Keith Scott, a consultant, and needs to be revised and corrected. Judge Edwards requested volunteers to assist with this process. Judge Willie Weaver agreed to do so.

Reports on liaisons with other agencies were given next:

(1) Judicial Council - Judge Cielinski attended the last meeting of the Judicial Council. He believes the Council is close to the point at which it will allow municipal courts to have a seat on the Council.

(2) Probation Advisory Council - Judge Ward reported that the last meeting of the Council had been held in August in Macon. At that meeting the Council, for the first time, took disciplinary action against two private probation companies. They also elected Judge Jim Burton, Probate Court of Wilkes County as Chair, Judge Neal Dettmering, Jr., State Court of Douglas County as Vice Chair and Steve Cronic, Hall County Sheriff's Department as the Sheriff Representative. Judge Ward noted that municipal courts are still the biggest users of private probation services. He announced that the next meeting of the Council will be held in Brooklet, Georgia on November 17th.

(3) Georgia Courts Automation Commission - Judge Edwards reiterated that a strategic planning meeting will be held in December at Callaway Gardens. No further additional report was given since Mr. Nolan had already addressed this issue.

(4) Georgia Municipal Association - Judge Bobbitt reported that he, Judge Edwards and Judge Still had attended the GMA convention this past summer. The Association discussed service delivery strategies; it is their stance tax equity should be different. He briefly noted that the GMA had taken positions on several issues of interest to municipal courts. GMA continues to pursue authorization for pretrial diversion, opposes decriminalization of traffic offenses, would like to see a flat fee for fine add ons rather the current system, and continues to work for mandatory training of municipal court clerks.

(5) Georgia Superior Court Clerks' Authority - Judge Bobbitt noted that the GSCCA is looking for the best way to handle court fees and add ons. It is in the process of collecting data so that it can make a recommendation.

The next item on the agenda was the report of the Municipal Court Judges Training Council. Rich Reaves reported that 63 judges had not yet attended a training session this year which has resulted in a revenue shortfall. He expressed concern that it may be necessary to cut back on training options next year or else increase fees for attendance. Judge Bobbitt added the Training Council was looking into accessing a late registration fee.

Judge Edwards noted that there is now a vacancy on the Training Council which needs to be filled. Judge Pierce advised that vacancies must be filled in the same manner as the original position was filled so that it will be necessary to seek nominations from the entire Council, notify the membership of the candidates and

continued on page 7

Financial Report

COUNCIL OF MUNICIPAL JUDGES FINANCIAL REPORT

JULY 1, 1999 THROUGH AUGUST 31, 2005

TOTAL MUNICIPAL BANK DEPOSIT \$58,668.99

Dues, Golf, Coffee Mugs Sales and Judge Association Dues

REFUNDED AMOUNT - \$210.00

Seven \$30.00 checks for overpayment of dues.1001,1002,1004,1005,1006
1007,1008. Check #1016 Voided.

TOTAL COUNCIL DEPOSIT \$59,458.99

EXPENSES

Bank Charges
checks and deposit slips - \$104.50

Coffee Mugs - \$557.69

Legislative Breakfast (ck.#1003 dated 02-09-01) - \$1014.88

Legislative Breakfast (ck.#1009 dated 01-10-02) - \$710.54

Legal Fees (ck.#1010 dated 05-13-02) - \$ 65.92

Benchmark Trophy Center (ck.#1011 dated 07-10-02) - \$774.44

Legislative Breakfast (ck.#1012 dated 01-31-03) - \$821.25

President's Plaque (ck.#1013 dated 10-03-03) - \$ 43.00

Judge Cielinski (ck.#1014 dated 10-03-03) - \$ 58.32

Legislative Reception Deposit(ck.#1015 dated 10-28-03) - \$625.00

Legislative Reception Final (ck.#1017 dated 03-05-04) - \$1922.00

Judicial Council Reception (ck.#1018 dated 08-19-04) - \$564.57

American Heart Association (ck.#1019 dated 11-03 -04) - \$100.00

Legislative Breakfast (ck.#1020 dated 01-26-05) - \$637.50

Legislative Breakfast (ck.#1021 dated 02-03-05) - \$468.35

State Bar Donation (ck# 1022 dated 05-16-05) - \$1000.00

Bank Correction Fee (08-29-05) - \$5.00

PETTY CASH - \$50.00

PETTY CASH PAYMENT

Long Distance Calls \$15.50

Office Supplies \$34.50

TOTAL EXPENSES - \$9,522.96

BANK BALANCE AS OF AUGUST 31, 2005 49,936.03

BANK BALANCE AT LAST REPORT MAY 31, 2005 \$42,981.03

2006 Legislative Breakfast

TO: GA Council of Municipal Court Judges

FROM: Judge John Kinsley Edwards, Jr.
President, GA Council of Municipal Court Judges

RE: 2006 Legislative Breakfast

What: Seventh Annual Breakfast for Legislators Sponsored by
The Council of Municipal Court Judges

When: Thursday, February 23, 2006, 7:30 a.m. - 9:30 a.m.

Where: Floyd Room, 20th Floor, West Tower
James H. "Sloppy" Floyd Building, 1 Martin Luther King, Jr. Drive, Atlanta

Who: All Municipal Court Judges, All Senators and Representatives, the Governor, the Lt. Governor,
the Supreme Court Justices, Judges of the Court of Appeals, and Judicial Council members

Invitations will be sent to all legislators, I urge you to personally contact your legislators and invite them to come. For those who are planning to attend and need hotel accommodations, rooms are available for \$69.00* p/n at:

The Holiday Inn Express
450 Capitol Avenue
Atlanta, Georgia 30312
404-591-2000

*Please be sure to ask for the "legislative rate".

Shuttles are provided to the Capitol/Sloppy Floyd Towers by the hotel.

The Council of Municipal Court Judges will have its Winter Quarterly meeting of the council following the legislative breakfast, so please plan to participate in the business meeting.

It will be helpful for you to let us know if you are planning to attend either event. Please contact LaShawn Murphy at 404-651-6325 or via email at murphyla@gaaoc.us to let her know you will be attending the breakfast and/or the business meeting.

Legislative Update

Bryon Vann, Intern, Legislative & Governmental Affairs, AOC

The second session of the 2005 - 2006 term of the Georgia General Assembly began on Monday January 9, 2006. Throughout the first week of session, there have been several bills to circulate through committee meetings which affect the Municipal Courts; the more pertinent bills are HB 718, HB 719, and HB 1044. These bills cover a variety of issues and possess the ability to affect the lives of citizens throughout the state of Georgia.

Minutes cont.

then hold an election. Three nominations were made from the floor, they were as the following: Judge Michael Cielinski, Judge Margaret Washburn and Judge Nelly Withers. The election will be held at the Winter Business meeting in February 2006.

Under the heading of new business, Wade Herren with the AOC Research Division distributed research and caseload information. He advised that he and his staff are available to research legal issues for judges. Requests can be sent via web at <http://research.georgiacourts.org> with a click on "submit a research request".

Judge Edwards announced that the next meeting of the Executive Committee will be held in February in conjunction with the legislative breakfast. There being no further business, the meeting was adjourned.

Respectfully submitted,
Kathryn Gerhardt, Secretary

HB 718 (Pretrial intervention and diversion programs; authorize certain courts to administer) sponsored by the representative for the 54th, Edward Lindsey (R-Atlanta), was heard in the House Judiciary (Non-Civil) Committee. The bill relates to pretrial intervention and diversion programs. It allows for the prosecuting attorneys for each judicial circuit and the prosecuting attorney for state courts, probate courts, magistrate courts, and municipal courts to create and administer the Pretrial Intervention and Diversion programs. The House Judiciary (Non-Civil) subcommittee 2 voted to do pass to full committee. The House Judiciary (Non-Civil) Committee will hear HB 718 Monday January 23, 2006 at 2 pm.

HB 719 (Municipalities; courts; home rule powers; maximum fines) sponsored by the representative from the 54th, Edward Lindsey (R-Atlanta), was heard in the House Judiciary (Non-Civil) Committee. This bill changes the limitations on maximum fines municipal courts can impose. HB 719 would authorize municipalities to adopt ordinances specifying fines up to a certain amount in conflicts pertaining to local laws; raising fine limitations from \$1,000 to \$2,500. The House Judiciary (Non-Civil) subcommittee 2 voted to do pass to full committee.

The House Judiciary (Non-Civil) Committee will hear HB 719 Monday January 23, 2006 at 2 pm.

HB 1044 (Firearms; carrying and possession; municipal and city court judges; amend provisions) sponsored by the representative from the 134th, Mike Cheokas (D-Americus), was also seen in the House Judiciary (Non-Civil) Committee. This bill would authorize part-time municipal and city court judges to be treated as full-time judges for the purpose of "being exempt from certain state weapons requirements so that part-time judges shall be exempt in the same manner as full-time judges". As of January 13, 2006, HB 1044 was placed on the House First Readers. This bill is currently in the House Judiciary (Non-Civil) Committee.

All of these bills, along with all bills being tracked for the Municipal Courts, can be viewed on the Administrative Office of the Courts legislative website. Go to www.georgiacourts.org web site and click on "Track Legislation." Scroll over "Courts" and click on "Municipal Courts" to view a listing of legislation, including: House Bills, House Resolutions, Senate Bills and Senate Resolutions tracked for the Municipal Courts.

PLEASE
RECYCLE



Notification of Election

MEMORANDUM

To: Each Member of the Council of Municipal Court Judges

From: Judge Kathryn Gerhardt, Secretary

Re: Notification of Election
Nominations for Executive Committee Member and Training Council Members
Availability of Absentee Ballots

The Election of an Executive Committee member and two Training Council members will take place on Thursday, February 23, 2006, during the Annual Meeting at the Sloppy Floyd Towers, Atlanta, Georgia.

Below is the proposed slate of qualified candidates nominated for each respective position. Absentee ballots will be available to members upon written, signed requests received by 5:00 p.m. on February 8, 2006. Each absentee ballot will contain a pre-numbered envelope and must be returned by mail in the pre-numbered envelope provided. Absentee ballots not received in the pre-numbered envelope by 5:00 p.m. on February 20, 2006, will not be counted in the election. Address all requests for absentee ballots to:

Judge David M. Pierce
Nominations Committee
89 Cohen Walker Drive
Warner Robins, GA 31088

Pursuant to Article Five, Section 2, of the Bylaws of the Council, the following named persons have been certified by the Nominating Committee as candidates for election to the vacant offices indicated.

EXECUTIVE COMMITTEE:

Judicial District Nine
No nominees received to date

TRAINING COUNCIL:

(two positions available)

Judge Michael Cielinski
Judge Nelly Withers
Judge Margaret Washburn

Update from Department of Driver Services

Michael B. Mitchell, Judicial Liaison, Georgia Department of Driver Services

I. CHANGES TO DS 1126, FIRST DUI CONVICTION AFFIDAVIT

In order to improve compliance with O.C.G.A. Code Section 40-5-64(e), the Department of Driver Services is in the process of revising the existing DS 1126, First DUI Conviction Affidavit. The new DS 1126 form will require that the court:

- (1) (a) note on the form the date the license is surrendered (ideally on the date of disposition), or
- (b) note on the form the date the DS-250A form, Lost License Affidavit was signed by the defendant (if the actual driver's license was not surrendered).

and

- (2) note on the form the date of issuance (exam date) listed on the license that the driver surrendered to the court. If a Lost License Affidavit is prepared, this field would be left blank.

Impact:

This improvement will assure a surrender date can be assigned to the driver, thereby allowing the driver's period of suspension, for purposes of being able to reinstate his or her license, to begin running on the date of surrender as opposed to process date of the conviction (which is later than surrender date).

This improvement will assure that a surrender date can be verified by Driver Services before the issuance of a 120-day Limited Permit, in accordance with O.C.G.A. Code Section 40-5-64(e).

II. REVISIONS TO THE DS 912, FAILURE TO APPEAR

In order to comply with Federal regulations, which became effective

09/30/05, the Department of Driver Services is in the process of revising the existing DS 912, Failure to Appear form. The new forms will include federally-required data fields that must be completed by the court in cases where:

- 1) the driver who failed to appear displayed a CDL at the time of violation (regardless of whether or not he or she was operating a commercial vehicle at the time)
- (2) the driver (regardless of whether or not he or she possessed a CDL) was operating a commercial vehicle at the time of violation.

The new fields will include sections that:

- (1) The court must indicate the violation for which the driver was cited, but failed to appear;
- (2) The court must indicate if the driver displayed a CDL at the time of violation (regardless of vehicle type);
- (3) The court must indicate if the vehicle being operated at the time of violation was a commercial vehicle;
- (4) The court must also indicate in cases where a commercial vehicle was being operated if the commercial vehicle was transporting haz-

ardous materials.

Because the current version of GECPS does not contain the data fields listed above, this will mean that the courts must submit FTAs and FTWs involving CDL holders and/or Commercial Vehicles on PAPER. I expect that the updated version of GECPS, which is tentatively scheduled to be released later this year, will allow for these transactions to be completed by the court electronically.

Impact:

This revision will be a major step in bringing Georgia's FTA/FTW process into compliance with Federal regulations.

Neither of the revised forms is available at this point in time. Once the forms are available for distribution to the courts, another notice will be distributed, along with any additional information.

Contact information
678.413.8413 [Office]
404.909.5820 [Mobile]
678.413.8489 [Facsimile]

T.I.P.S.

Traffic Information Processing System

TIPS is a NO COST software program that allows courts to transmit traffic citations to the Department of Driver Services electronically. TIPS was developed by the Governor's Office of Highway Safety and the Administrative Office of the Courts.

Contact us for more information:
Kelly McQueen
System Placement and Program Planner
404.463.5420 • mcqueenk@gaoc.us
www.georgiacourts.org/aoc/tips

11 Lessons That Katrina Taught Me

by David W. Carmicheal
Director, Georgia Archives,
Office of the Secretary of State
President,
Council of State Archivists

On September 21, 2005, representatives of the Council of State Archivists (CoSA), the Society of American Archivists (SAA), and Heritage Preservation, toured the Gulf Coast area of Mississippi to assess the impact of Hurricane Katrina on record-keeping facilities in the region. The group traveled from Waveland in the west to Biloxi in the east and viewed the impact of the disaster on public buildings (city halls, county courthouses, local historical societies, historic sites, and public libraries) and private facilities (church and college buildings). In November, Carmicheal met with representatives of Georgia municipal and court associations to discuss lessons learned.

1. Disasters aren't always localized

Emergency response plans are often built on a hidden assumption: that any disaster will be localized, striking a single building or, at most, a small geographic area. On that assumption, available resources will be marshaled and concentrated in the affected area. Hurricane Katrina demonstrated conclusively that disasters may occur over a very wide geographic area. When the storm reached Jackson, Mississippi-150 miles from the Gulf Coast-it was a Category 3 storm, powerful enough to severely damage buildings and record repositories. Even those who live far from hurricane centers cannot be complacent; other disasters can affect large geographic areas: wild fires, tornadoes, earthquakes, and terrorist attacks. Our disaster planning must eliminate the hidden

assumption that disasters will be localized.

2. Government buildings are not immune

On the face of it, no one believes that government buildings are immune from disasters, but citizens often assume that their most vital records are safe from destruction because they are in the care of the government. The loss of government buildings means the loss of identity for citizens. Government records prove when and where people were born, when and whom they married, what property they own, what crimes they have committed. Government buildings in particular must be protected from catastrophic disaster in order to protect the public trust.

3. Vaults may not be enough

At Pass Christian, Mississippi, historians carefully placed the town's most historic records-maps, early photographs, Civil War records-in a bank vault as Hurricane Katrina approached. When the storm passed, the vault appeared to be intact, but its contents were ruined. The vault had been unable to withstand the water that surge through the building. At Waveland, Mississippi, I inspected a bank vault that had survived the storm, but its door was sprung and the contents of the vault had vanished. Several times I heard stories from record keepers who had imagined "the worst case scenario" and moved their records to "safe storage," only to find that the disaster exceeded their imagination. Vaults that appear safe may not protect critical records.

4. Destruction may come in the immediate wake of the disaster...

The destruction from Hurricane Katrina was obvious and over-

whelming. By far the most dramatic damage occurred as the storm passed over courthouses and city halls. This was the damage that most people, if they had prepared at all, had tried to prevent. But the initial damage was only part of the picture...

5. ...or it may come long after the disaster

Forty-eight hours. That's the time professionals say the records can wait after a disaster before being recovered. After two days mold begins to develop, deterioration accelerates, and recovery becomes increasingly difficult. In the wake of a widespread disaster, such as Katrina, access to the records may be restricted or severely limited. Emergency response officials declared the Biloxi Public Library off limits because of structural damage. While librarians waited to gain access, mold spread over large portions of the local history collection, destroying or damaging priceless maps, photographs, and historical documents. Disaster planning must take such extended damage into account.

6. Staff may not be available to help with recovery

Most disaster plans assume that staff-who know the building, know the records, and have been trained in disaster recovery-will oversee and assist in disaster recovery. But Hurricane Katrina displaced large numbers of people, and those who remained were often too overwhelmed by personal loss to respond to disaster recovery needs at work. Even in areas where staff were available, emergency management officials closed areas and prevented staff from entering. At one courthouse I met National Guard troops who were willing and eager to begin protecting

11 Lessons That Katrina Taught Me cont.

vital records, but they were confused by conflicting orders and advice. Disaster response plans need to take this scenario into account. The people who respond may have no familiarity with the facility or the collection.

7. Prevention is cheaper than recovery

Jackson County, Mississippi, estimated that they would spend at least \$2 million to recover court records and meeting minutes damaged by Hurricane Katrina. A systematic program of producing microfilm or some other form of backup would have eliminated the need for such recovery and probably would have proved far less expensive. In addition to the actual costs of recovery (if such recovery is possible), governments need to consider the 'lost opportunity' costs to their citizens while they wait for records to be recovered. Lengthy restoration projects can delay court dates and property sales, and otherwise interrupt the lives of citizens who depend on vital records.

8. FEMA's responsibility extends to historic buildings, not records

The legislation that authorizes the Federal Emergency Management Agency (FEMA) specifically charges them with securing and protecting historic sites, but not historic

or vital records. While FEMA often assisted with the recovery of government records in the aftermath of Katrina, records were not their first priority. Until the federal legislation can be amended, state and local governments should expect little assistance with records issues during major disasters.

9. Vital records must be identified before a disaster occurs

At one site I visited after Katrina, staff were trying to deal with the loss of their accession records. Most of the site's historic artifacts had vanished in the storm, and the accession records were needed to determine what the collection had once held. The staff had carefully removed rare books and other documents before the hurricane, but in the frantic days leading up to the storm the accession records were overlooked. Disaster plans must identify key records before a disaster strikes. When staff have only days-or even hours-to locate and remove records, it is essential that they have a clear guide to the agency's most important records and their priority for rescue.

10. Vital records must be systematically and comprehensively duplicated.

Perhaps the greatest lesson to be learned from Katrina is this: the only guarantee against catastrophic loss is

duplication. Government agencies must review their records systematically, identify the ones that are vital to protect their citizens, and then duplicate them. Anything less is a violation of the public trust.

11. Duplicated records must be sent to remote, secure storage

Duplicate records maintained in the vicinity of their originals are worthless. Such records should be sent far away from the original records and stored securely, safe from unauthorized access or exposure to hazards. Before Hurricane Katrina, conventional wisdom measured "a safe distance" in tens of miles; now, the wisdom must change. States need reciprocal agreements with other states to ensure that duplicate records are stored far from the geographic location (and local hazards) of the originals; communities need reciprocal agreements with other communities that separate originals from their duplicates by hundreds of miles, not dozens.

Hurricane Katrina changed the way we look at disasters and the potential for recovery. Time will tell whether we apply the lessons learned.

For more information on disaster prevention, visit the Georgia Archives website at www.GeorgiaArchives.org

A good friend will bail you out of jail.... But a true friend will be sitting next to you saying "Now that was fun!"

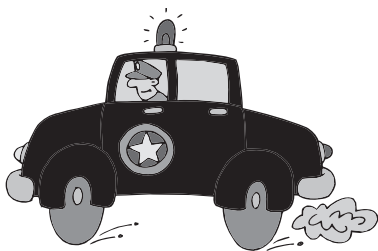


PHOTO GALLERY FROM MUNICIPAL CLERK SEMINAR



Dangers of Speeding

By: C. Adam Rose (Reprinted with permission)
An Essay Written by a Teen Driver for the City of Duluth*

People think they're good drivers. Generally, I'd like to think that is true. But what makes a good driver? At the very least, it would have to include knowing the rules of the road and following them. The least difficult of these nibs to follow is also the one that is most easily broken obeying the posted speed limit.

Speed limits exist to keep drivers on the road safe. They are based on the condition, of the roads we drive upon, physical attributes of the area where we are located, and the mechanical limitations of the vehicles we own. Be it a wide open interstate posted at 75 miles per hour or a 10 mile per hour school zone, these are the maximum safe speeds in the area.

Still though, every month drivers who exceed the posted limit play a role in one- thousand traffic deaths - 12,000 deaths a year. These aren't people using drugs, or driving drunk, or talking on their cell phones... just in a hurry to get to work, or pick up a child from school, or meet up with a friend. Increasing speed from 45 to

55 miles per hour increases your effective stopping distance by nearly 70 feet. The repercussions of something so seemingly minor as a ten mile per hour increase in speed can be huge. A child (or adult for that matter) could run into the street unexpectedly, a motorcyclist could pull out from a side street, or you could become momentarily distracted, and that increased stopping distance can easily turn into a major traffic accident. The force of those impacts grows frighteningly fast as speed increases.

At 20 miles per hour, the force of an accident will be roughly equivalent to driving a vehicle off of the roof of a one- story building. At 40, that building has grown to over five stories. By 60 miles per hour, that building is roughly 12 stories tall, or 121.5 feet. In bad weather, driving becomes even more dangerous, but due to driver error and decreased visibility.

When the weather becomes rough, 53% of fatal crashes are blamed on speed... and drivers whom didn't slow down enough for the con-

ditions.

What can drivers do to slow down? Get up earlier in the morning so you don't have to rush to work or school. When scheduling your day, plan for traffic and bad weather - again to keep from getting in a hurry. If the weather turns sour, be sure to slow down to a safe speed. Know the limitations of your vehicle, and be prepared for whatever may lie around the next bend.

If you wind up in a situation where you are behind schedule, don't simply drive faster - call ahead and make the other parties aware that you were held up by traffic or weather - better to arrive late than not at all. 12,000 deaths and accident damage totaling more than \$40 billion dollars per year. 12,000 friends and family members are lost every year in preventable accidents. So slow down, and be prepared for what lies ahead. You may be saving someone's life.

**Please submit similar essays that you may receive in your court.*

The Listserv ... Is Ready to Serve You!

If you have not joined, do so now. For those of you who are not aware here are a few reasons to join listserv.

Listserv's purpose is to automatically send information out as well as provide interaction between all Traffic Court and Municipal Judge Subscribers.

1) It's an inexpensive way to interact with fellow City Judges and discuss issues concerning your class of court,

2) Great way to seek out advice on unusual cases or cases you may have not experienced before and,

3) It's a quick way to send urgent notices that may otherwise require sending postcards, making long distance calls (faxes) and playing phone tag (remember the cost buildup).

The Council encourages you to subscribe to this list. It is convenient, informative, and not to mention, it can be used as a great reference in referring to past events. Subscribing takes one call or e-mail. Once you

have subscribed, you will receive a welcome message, providing a pass code and instructions on using the service. If you have any questions about this service, please contact AOC Webmaster Brian Collins at (404) 463-3804 or collinsb@gaaoc.us. To subscribe to the Traffic Court Listserv, please contact LaShawn Murphy, AOC, at (404) 651-6325 or via email at murphyla@gaaoc.us.

Welcome aboard to all new subscribers!

2006 Municipal Court Judges Registration Form

Mail this form to Institute of Continuing Judicial Education, 123 Dean Rusk Hall, University of GA, Athens, GA 30602 with a check payable to ICJE. ICJE Municipal Coordinator- Kathy Mitchem, 706/542-7402, kathy@icje.law.uga.edu

Early Bird Discount registration fee: \$225.00, if received BEFORE February 28.

Late registration fee: \$325.00 if received AFTER February 28.

Name _____

Phone _____ State Bar # _____ e-mail _____

City Judge of _____ Are you now a Municipal Judge? _____ Have you sat in the past year? _____

Preferred Mailing Address _____

Municipal Court Course Titles	2006 Dates	Location	Slots	Target Audience
Basic Certification	February 8-10	Georgia Center, Athens	20	Municipal
Recertification Course	February 9-10	Georgia Center, Athens	40	Municipal
Local Ordinances, Environmental Issues	March 7-8	Georgia Center, Athens	25	Muni. & Mag.
Law and Literature	March 23-24	Jekyll Island Club	10	All Courts
Faculty Development	March 30-31	Georgia Center, Athens	25	All Courts
Judicial Security	April 5-7	Brasstown Valley	10	All Courts
Domestic Violence	June 14-15	Amicalola Falls	10	All Courts
Survey Update	June 28-30	Savannah Hyatt Regency	200	Municipal
Basic Certification	September 13-15	Georgia Center, Athens	20	Municipal
Recertification Course	September 14-15	Georgia Center, Athens	40	Municipal
Media Relations	October 11-12	Lake Blackshear	10	All Courts
Spanish for Judges	October 19-20	Georgia Center, Athens	25	Municipal
Pharmacology of Drugs	October 26-27	UGA Pharmacy School	30	All Courts

Check if we need to contact you about: Physical help ☐ dietary needs ☐

REGISTRATION: Use the above schedule to enter the course you wish to attend. You will be sent a confirmation.

Course _____

Date: _____ Location _____

Remaining space for ICJE use.

Notification of Change in Municipal Personnel

THE ADMINISTRATIVE OFFICE OF THE COURTS

SUITE 300

244 WASHINGTON STREET, S.W.

ATLANTA, GEORGIA 30334-5900

404-656-5171

FAX: 404-651-6449

CHIEF JUDGE ☐

JUDGE ☐

JUDGE PRO TEM ☐

PRO HAC ☐

CHIEF CLERK ☐

CLERK ☐

DEPUTY CLERK ☐

CITY(list all) _____

NAME _____

ADDRESS _____

PHONE () _____ FAX () _____

EMAIL _____

GENDER: Female ☐ Male ☐

ATTORNEY: Yes ☐ No ☐

ELECTION/APPOINTMENT DATE: _____ TERM from _____ to _____

REAPPOINTMENT: Yes ☐ No ☐ TERM from _____ to _____

Replacing someone? _____ If So, Who? _____

Has this person ever served as a magistrate? If so, when and in what county? _____

RACE (optional): African American (Black) ☐ Asian \ Pacific ☐
Euro American (White) ☐ Native American ☐
Hispanic ☐ Multi Racial ☐

Fax or mail this form to the Administrative Office of the Courts at the contact information above.

Submitted by: NAME _____

ADDRESS _____

PHONE # _____

Court Fee Committee Recommendation for Legislation

The Court Fee Committee recommends to the Judicial Council that legislation be proposed to make all charges that support a program or entity, hereafter “surcharge(s)”, be an addition to the civil cost, penalty, or the base fine and apply such surcharge to civil costs, penalties, fines, bond forfeitures and bonds. The following elements should be considered in any legislation involving criminal and civil cases and penalties:

- 1) In criminal cases there shall be one surcharge of a fixed percentage in place of all other existing surcharges, added to the base fine. The legislation should provide:
 - a. Who gets the monies and in what amount;

- b. Upon collection by the court, the priority of partial payments as to fine, surcharge, or restitution;
- c. Provide that new beneficiaries be required to participate in the fixed percentage fee fund;
- d. Determine how restitution is to be treated;
- e. Define and determine how local surcharges are to be treated;
- f. Clearly define and determine how court costs are to be treated.

- 2) In civil cases, any surcharge on a civil case shall be added to the initial filing or application cost of the permit, commission, license, registration, or case and shall be assessed and collected on that one occasion. In probate court only one such surcharge shall be assessed and collect-

ed per estate or guardianship and shall not apply to proceedings under Title 37.

- 3) In matters in which a civil penalty is imposed, the surcharge shall be applied as in criminal cases.

The Committee also respectfully suggests the legislature review the surcharge supported programs and entities to determine the ongoing needs of the entities or programs and the effectiveness of the services rendered, as well as consider other sources of revenue for program/entity funding, such as through the legislative appropriation process or surcharge assessment on annual corporate registrations, motor vehicle tags, hunting and fishing licenses, and other state imposed costs.

Council of Municipal Court Judges

Administrative Office of the Courts
244 Washington Street, SW • Suite 300
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